

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA
Plaintiff,

v.

Jose RODRIGUEZ

Defendant.

Magistrate Case No.: **'07 MJ 88 32**


COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960
Importation of a Controlled
Substance (Felony)

The undersigned complainant being duly sworn states:

That on or about October 2, 2007, within the Southern District of California, defendant Jose RODRIGUEZ did knowingly and intentionally import approximately 1.48 kilograms (3.25 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Enrique Torregrosa, Special Agent
U. S. Immigration & Customs
Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4TH
DAY OF OCTOBER 2007.


PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Jose RODRIGUEZ

4 STATEMENT OF FACTS

5 This Statement of Facts is based on the reports, documents, and notes furnished
6 to U. S. Immigration and Customs Enforcement Special Agent Enrique Torregrosa.

7 On October 2, 2007, at approximately 2050 hours, Jose RODRIGUEZ entered the
8 United States through the pedestrian lanes at the Calexico, California, West Port of Entry.

9 Customs & Border Protection (CBP) Officer X. Ramos received a negative oral
10 Customs declaration from RODRIGUEZ. RODRIGUEZ provided a school identification
11 card to CBPO Officer Ramos. CBP Officer J. L. Bolanos was conducting a post primary
12 inspection and observed bundles inside RODRIGUEZ's shorts. CBP Officer Bolanos
13 referred RODRIGUEZ to the secondary inspection area. RODRIGUEZ then proceeded to
14 run north into Calexico despite being told by CBP Officer Bolanos to stop. A foot pursuit
15 followed and RODRIGUEZ was apprehended by CBP Officer Bolanos. RODRIGUEZ was
16 escorted to the secondary inspection area.

17 CBP Officer Bolanos conducted a pat-down of RODRIGUEZ. Four (4) packages
18 were found wrapped around RODRIGUEZ's thighs. CBP Officer Bolanos probed one of
19 the packages and a sample of a green leafy substance was obtained, which field tested
20 positive for marijuana. The total weight of the packages was 1.48 kilograms (3.25 pounds)
21 of marijuana.

22 RODRIGUEZ was advised of his rights per Miranda. RODRIGUEZ stated he
23 understood his rights and was willing to answer questions without the presence of an
24 attorney. RODRIGUEZ stated to Special Agent Torregrosa he was to be paid \$100.00 for
25 smuggling the marijuana into the United States and receive half of the marijuana.

26 On October 2, 2007, RODRIGUEZ gave Special Agent Torregrosa a date of birth
27 of September 26, 1990, (17 years of age). RODRIGUEZ was booked into the State
28 Juvenile Hall in El Centro, California.

On October 3, 2007, Assistant U. S. Attorney John F. Weis was informed by
Probation Department in Imperial County that RODRIGUEZ's mother advised them

1 RODRIGUEZ is eighteen years of age. RODRIGUEZ signed a written statement stating
2 he is eighteen years of ago.

3 On October 3, 2007, RODRIGUEZ was transported to the Imperial County Jail to
4 await his Initial Appearance before a U. S. Magistrate Judge.